

Workshop report:

ECHA database on Substances of Concern In Products (SCIP) - Workshop 12 November 2019

1. Introduction

1.1 Aim of the workshop

The aim of the workshop was to discuss and share information on the practical implementation of ECHA's upcoming SCIP database on hazardous substances in articles in order to develop and improve the database in the future. The workshop consisted of plenary presentations and break-out group discussions. The key issues that were covered included:

- state of play of the project and IT implementation of the SCIP database;
- break-out discussions on efficient notification procedures; and
- how to make the data available to waste operators and consumers (data dissemination).

1.2 Participants

The main target groups of the workshop were the duty holders who need to submit data on Candidate List substances (SVHCs) in articles as from January 2021, and the foreseen users of the database such as waste operators and organisations representing citizens. A total of ca. 85 participants, representing all of the target groups, as well as some Member State authorities, were present at the workshop. In addition, about 300 viewers followed a live broadcast of the plenary sessions online. The workshop was chaired by Jack de Bruijn, Director for Prioritisation and Integration at ECHA.

2. State of play and IT implementation

2.1 Status of the database project

ECHA project coordinator Bo Balduyck reviewed the policy context and objectives of the SCIP database, before providing an overview of the process for the development of the database thus far, as well as the next steps.

At the time of the workshop, ECHA had published the final information requirements for the database; provided FAQs clarifying the scope and legal requirements of the database; and published the IUCLID format¹ for the database. The IT development of the database is under way, aiming to deliver a "prototype"

¹ The format which needs to be used to make notifications to the database.

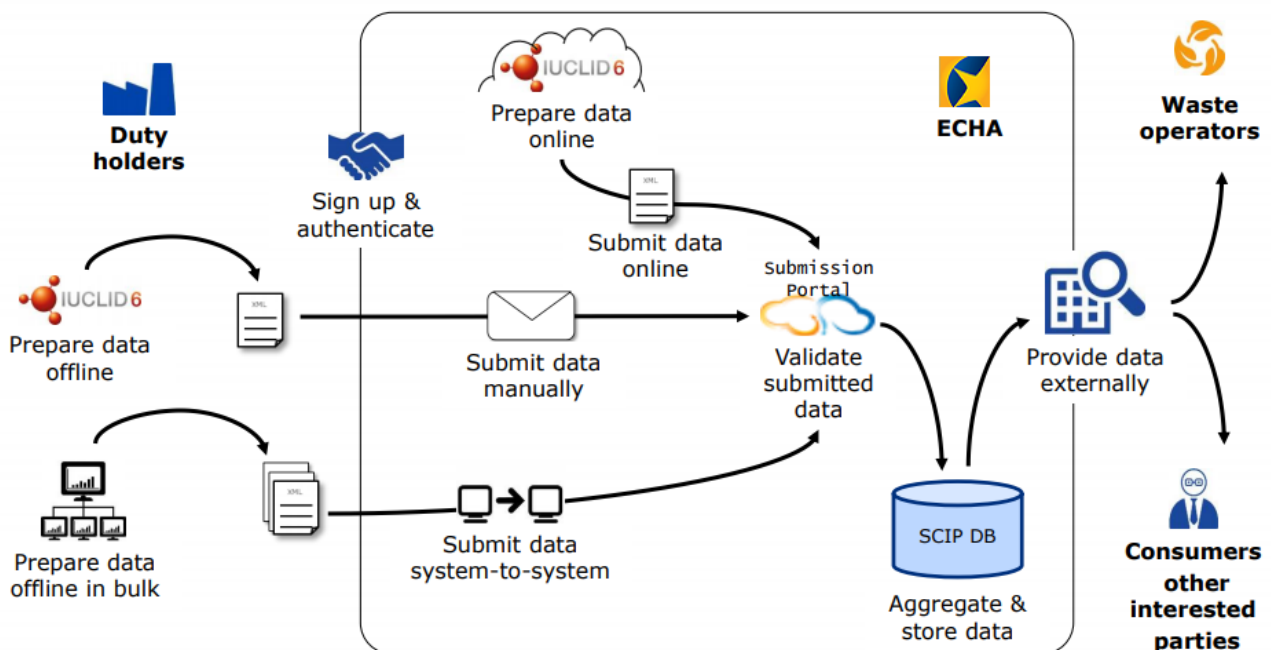
version in the first quarter of 2020. The prototype will allow users to test the creation of a dossier². The prototype will not yet contain the functionality to test making submissions to the database, but these will be released as they become available. Further development will include a testing phase; implementation of improvements; and an analysis of requirements and options for the dissemination portal³. This is planned to result in the release of the first full version of the SCIP database in October 2020. Stakeholder support and participation will also be offered by ECHA, as well as tips for duty holders on how to get prepared for the launch of the database in January 2021.

ECHA also provided explanations and clarifications in response to general questions from the participants, e.g.:

- ECHA is in dialogue with Member State Competent Authorities⁴ to support harmonised implementation of the legal requirements for the database into national law.
- It is at duty holders' discretion to aggregate data as long as articles are "identical" in all information requirements and can be identified by users.

2.2 IT implementation

ECHA IT Project manager Tom Uotila introduced the IT implementation process, including timelines and involvement of the IT user group⁵. He provided an overview of the system and design considerations underlying the database (see figure below), before discussing the individual components of the system in more detail.



The IUCLID6 formats (a set of XSD files or XML schema definitions), which have already been published by ECHA as a draft, contain the "technical data" of a notification. They cover information about the substance, "concern element" and article in question, and can be prepared by the user offline or online. Duty holders will need to sign up to the database and get authenticated. They will then be able to submit data manually or in

² I.e. a set of files to be submitted to ECHA to make a notification to the database.

³ I.e. a portal for users of the database to access information.

⁴ Forums used include the waste expert group run by the European Commission DG Environment, CARACAL (the REACH & CLP expert group), as well as a dedicated day of the previous workshop on the SCIP database in 2018.

⁵ A group of stakeholders involved in regular organised interaction with ECHA to support the IT development.

bulk via system-to-system (S2S) solutions which are currently under development. ECHA will provide a submission portal (also under development) where duty holders can create SCIP notifications from their submissions and link them to their legal entity ("administrative data"). The submission portal also validates⁶ the submitted data. The last component of the system will be a portal to provide data from the database externally, the development of which will be started in due course.

2.3 Implementation in global supply chains

Eric Gravier, the Environmental Programme Lead at amfori⁷ discussed the implementation of the database in the context of international supply chains with manufacturing units located outside Europe, which are usually very complex and involve many actors from around the globe. He provided an overview of current obligations for importers relating to information on substances in articles and then discussed the expected changes with the implementation of the SCIP database. He argued that more information will be needed than previously required by REACH Article 33, which will require complex adjustments of companies' existing tools for communication on substances in articles within a short timeframe. To conclude, he provided a number of recommendations: The database should continue to focus on existing lists of substances for which obligations already exist; collaboration with sectoral initiatives (e.g. IMDS in the automotive sector) could avoid duplication of effort and of information; dialogue about the alignment of obligations for importers with other countries; and awareness raising and training in third countries.

3. Efficient notification procedures

Three breakout groups were formed, each of which discussed the same topics. The results of the breakout groups were then presented by ECHA in the plenary and are summarised in the following.

The first topic was system-to-system (S2S) notifications. The short timeframe available to implement and prepare for S2S solutions was stressed. Additional information to support this will be provided by ECHA by the end of 2019 and test systems should be provided as soon as possible. It was recommended that the format of S2S notifications should not change too often (at most once a year) and an API⁸ should be provided to allow systems used by duty holders to be updated automatically when notification formats change. The functioning of validation rules in S2S submissions and the possibility of management of S2S notification accounts by third parties (e.g. service providers) was also discussed. Further automation needs were raised, including tools to follow an article in the database through the supply chain and an API for extracting data from the dissemination portal.

The other topics related to proposals by ECHA regarding the use of identifiers and a re-distribution model to avoid double reporting. ECHA explained that the unique identifier proposed in earlier scenarios for the database is no longer foreseen. ECHA proposed that submission identifiers⁹ could be provided by suppliers to their downstream customers, who can then refer to the previous submission when making their own submission about how they have incorporated this article into a complex object. The re-distribution model consists of a simplified notification with the same content as the notification of the supplier if the article/complex object received is the same as the one supplied. ECHA also proposed that notifications could be made by a central entity of conglomerates on behalf of different national entities.

⁶ ECHA clarified that this will be based on validation rules embedded in the format itself and contextual checks. The portal will provide a submission report that flags which validation rules/checks were run and broken. The rules/checks are under development.

⁷ A business association for open and sustainable trade

⁸ Application programming interface

⁹ ECHA clarified this identifies an individual submission. It is the duty holders' own responsibility that new submissions for the same product use the same identifier, which would then be considered an update rather than a new notification.

Debates in the breakout groups covered the trade-off between the protection of business confidentiality and the consumer's "right to know"; the potential for bulk export of submission identifiers in the submission portal; and a potential step-wise approach to increase the level of reporting over time (e.g. for material categories). Stakeholders noted concerns over the issue of suppliers not providing data that is required for notifications. It was also proposed that submissions by third parties be made possible (e.g. conglomerates, consultants, software providers, or non-EU suppliers on behalf of EU duty holders).

Due to complex and changing supply chains, articles with the same primary ID (i.e. the code they are referred to in the supply chain) are not always the same article in terms of their composition and SVHC content. Participants proposed that notifications be allowed declaring that an article "may contain" an SVHC or that a complex object "may contain" a specific article. ECHA responded that the legal compliance of this proposal and its impact on the usefulness of the database need to be further investigated.

Some other general issues were also raised. ECHA clarified that notifications only need to be updated in response to an amendment of the Candidate List if the article in question is impacted by the amendment. Some guidance will be needed to clarify the right level of aggregation in notifications, in terms of how many levels of complexity in complex articles is accepted as sufficient. ECHA clarified that the exemption for retailers from the duty to notify to the database does not apply when they are at the same time importers.

4. Data dissemination and user needs

4.1 How to make data available

Telmo Vieira Prazeres, an ECHA scientific officer, presented ECHA's initial considerations to disseminating the data from the SCIP database to its intended users (primarily waste operators, consumers and other interested parties, as well as authorities) while protecting confidential business information (CBI). He explained that different use cases for different target users will require different levels of aggregation of data. These could range from the level of individual articles or products (e.g. which brand of pencil sharpeners contain SVHCs?) based on individual notifications, to the product family level (e.g. which parts of cars usually contain SVHCs?) based on the "article categories" information requirement, to the waste stream level (e.g. which plastics often contain SVHCs in which uses?) based on the "material categories" information requirement. The legal text requires reporting at the article level and this level allows the aggregation of data to satisfy different user needs. The next step will be to design a dissemination portal for the data received.

Regarding the protection of CBI, ECHA explained that the database will not disclose information about the submitter (legal entity or ID) of a notification, and it will not disclose specific names (e.g. brand, model) or identifiers of components to protect the confidentiality of supplier relationships. However, it is the duty holders' responsibility to ensure that those fields which will be disclosed through the database do not include confidential information. As a result, the location of SVHCs within a product can potentially only be identified by the names and product types of the sub-assemblies and articles.

4.2 Waste operator's view on use cases and data dissemination

The view of the European Federation of Waste Management and Environmental Services (FEAD) on the potential use of information from the database was presented by Claudia Mensi, a Technical Manager from A2A. She explained that the current practices relating to the management of SVHCs in waste depend on the flow and type of waste, but generally waste operators separate components that are known to be hazardous from products before sending the product for recycling. Without data on SVHCs in articles, time and cost intensive chemical analysis may be needed to check the presence of specific substances. Additional information on individual waste articles or data aggregated by waste streams could be used to decide if

recycling is possible either directly or after decontamination and to ensure that recycled materials contain no SVHC. Claudia concluded that article-level information is appropriate and can be further aggregated as needed. She called for European Commission guidance on the use of the database for specific waste streams based on risk assessment. The circular economy needs purer and reliable secondary raw materials, and recycling should be boosted not penalised by the database.

Responding to questions from other participants, Claudia argued that the granularity of the draft material categories is suitable for waste operators. A participant representing plastics converters noted that guidance will be needed to define how materials (that contain the SVHC) should be declared in notifications to the database. Claudia also explained that the exact concentration of SVHCs in articles is not crucial at this point, because knowing which SVHC is contained in which article with a broad concentration range would represent important progress. ECHA clarified that the database will also be available to waste operators outside the EU. The issues of updating notifications for long-life products and products exposed to chemical environments absorbing SVHC were also raised and will be further investigated by ECHA.

4.3 NGO's view on use cases and data dissemination

First, Alice Bernard, chemicals lawyer from ClientEarth, shared a legal perspective on the database. She argued that ECHA's plans for the implementation of the database (information requirements, etc.) are within the legal mandate, because they are necessary for the database to fulfil its objectives. The objectives of a law need to be considered in its interpretation according to EU case law.

Elise Vitali, project officer for chemicals from the European Environmental Bureau (EEB), then shared a vision for the SCIP database on behalf of environmental/health NGOs and consumer associations. She argued that a circular economy requires information on materials along the supply chain to support innovation towards safe alternatives, as has been highlighted by policy objectives. She explained the added value that the database is expected to provide to consumers, authorities, companies and waste handlers. In order to future-proof the database, she recommended making it adaptable to full content declarations, to provide information on recycled content, and to enable export of data to other software, apps, etc. (e.g. Yuka app, open food facts, askREACH). The database should also enable consumers to identify articles in the database using for instance brand and model name, apps (e.g. AskREACH) and scanning technologies. It will be crucial for Member States to address any non-compliance to ensure that the information in the database is comprehensive and useful.

5. General Q&A

A general Q&A session was held before concluding the workshop. ECHA reiterated that the format for data submissions is already available and the IUCLID prototype for testing how to create dossiers with the user interface will be available in Q1 2020. A prototype for S2S submissions is also planned for Q1 2020. Data dissemination still needs to be clarified by ECHA while use cases are being developed.

Recognising potential issues with data quality, ECHA explained that the success criteria for the database are primarily to provide improved information for waste operators and consumers – any additional information will be a step in the right direction. Additional success criteria include duty holders being able to use the tools successfully and improving the effectiveness of information flows according to REACH Article 33.

ECHA explained that the new field "candidate list substance no longer present" is an incentive for substitution that was introduced because (legally) no notifications for articles without SVHCs are allowed. This raises a potential issue about products in stock that still have the SVHC. ECHA noted that how versioning will work on the dissemination platform is not clear yet, but will likely involve indicating that products placed on the market until a certain time contained SVHC.

ECHA agreed that information painting an overall picture of the article pool, such as average SVHC content in certain types of products, could be useful for waste operators and will be considered further in the discussion on data dissemination.

6. Conclusions

Chairman Jack de Bruijn wrapped up the workshop with a summary of main conclusions on each of the topic areas discussed.

General considerations

The SCIP database should be seen as an enabler for actions by consumers, industry and waste operators. The key objective is not just to get the information in the database, but to see what is actually done with it. ECHA needs to clarify the right level of reporting (how many levels for complex articles) with Member States and the European Commission, ensuring it is still meaningful to the users. It was recognised that supply chains are global, so there is also a need to raise awareness outside the EU.

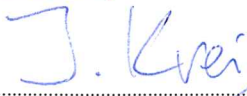
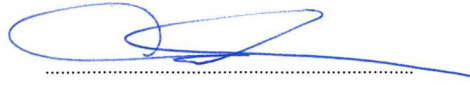
Efficient notification procedures

System-to-system notification (S2S) was considered a potentially efficient solution, but more information is needed by industry as soon as possible. Primary identifiers¹⁰ were recognised as key for updates and managing the data, and could be used for sharing data in the supply chain. The possibility to allow third parties to manage submission accounts of different legal entities could help conglomerates, consultants and software providers. The re-distribution model proposed by ECHA (see Section 3) can provide for simplified notifications for distributors (when the article is no longer changed by the different suppliers).

Dissemination and user needs

All data, with the exception of confidential business information, will be made available in a crude form at first and will be improved over time. The consumer's right to know needs to be balanced with the confidentiality of sensitive business information. It was understood that waste operators currently lack (useable) information on SVHCs in articles. Recognising different needs for different audiences is key in dissemination: ECHA has a keen interest in further collaboration with users (waste operators and consumers) to better understand their needs. The article level was considered the right level of reporting, as it allows different aggregations as needed. While there is a need to work towards waste streams free of SVHCs, it was recognised that issues associated with legacy articles will remain for a long time.

¹⁰ I.e. the code used in the supply chain to refer to products

Issued by**Julius Kreißig****Approved by****Caspar Corden**

Copyright and non-disclosure notice

The contents and layout of this report are subject to copyright owned by Wood (© Wood Environment & Infrastructure Solutions UK Limited 2019) save to the extent that copyright has been legally assigned by us to another party or is used by Wood under licence. To the extent that we own the copyright in this report, it may not be copied or used without our prior written agreement for any purpose other than the purpose indicated in this report. The methodology (if any) contained in this report is provided to you in confidence and must not be disclosed or copied to third parties without the prior written agreement of Wood. Disclosure of that information may constitute an actionable breach of confidence or may otherwise prejudice our commercial interests. Any third party who obtains access to this report by any means will, in any event, be subject to the Third Party Disclaimer set out below.

Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by Wood at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. Wood excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

Management systems

This document has been produced by Wood Environment & Infrastructure Solutions UK Limited in full compliance with our management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.